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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,399

12/05/2006

Stefan Hummel

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EXAMINER

YEAGLEY, DANIEL S

ART UNIT

PAPER NUMBER

3611

MAIL DATE

DELIVERY MODE

05/21/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/549,399	<b>Applicant(s)</b> HUMMEL ET AL.	
	<b>Examiner</b> Daniel Yeagley	<b>Art Unit</b> 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/13/05, 12/5/06</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

2. The information disclosure statement filed 9/13/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11 – 13, 16 – 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergh 5,244,226.

Bergh discloses a steering device for a vehicle; as shown in figure 11, which has a pair of wheels 50 that can be steered freely as a function of a current driving state of the vehicle or whose steered position can be locked by an electronically actuated locking device (column 5 – 6; and as shown by figures 7 – 8), wherein the steering device comprises sensors connected to an electronic control device to monitor current driving state values (column 1), such that the electronic control device actuates a locking device 70 when a minimum velocity of a vehicle is exceeded (above 20 mph; column 8, line 9-14), wherein a steered position of the pair of wheels of the third axle of the vehicle is locked; as taught by column 7, line 63-66, such that driving state values that characterize critical driving situations are stored in the electronic control device and the steered position of the pair of wheels is locked in set critical driving situations, and further discloses a control means that after a critical driving situation, the locking device does not release the pair of wheels again until predefined critical driving state values are undershot (below 17 mph) at least for a predefined period of time (deadband time frame), such that the predetermined period of time is the deadband time needed to undershot the critical driving state value of 20 mph (column 8, line 14 - 20).

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Wherein the locking device of Bergh is actuated hydraulically, and wherein the control means of Bergh is such that the electronic control device stores a combinations of driving state values for use in the electronic control device that characterize critical driving situations that are assumed to be present when a vehicle tends to oversteer and is integrated into an electronic driving stability system that activates the locking device at the same time as a vehicles' engine torque intervention or braking intervention controlled by the vehicles' electronic driving stability system. The steering device of Bergh further shows each wheel 50 of the pair of wheels being arranged on opposite sides of the vehicle (figure 5), such that each wheel includes a steering lever 66 articulately connected to one another by a track rod 64 and a locking lever 72 which lengthens the steering lever and acts on the locking device.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergh '226; in view of Buelt 6,105,981.

Bergh disclosed a steering device for a vehicle having a pair of wheels freely steered, whose steered position of the freely steered wheels can be locked using an actuating means that comprises a locking device actuated by a hydraulic fluid actuating means; as stated above, but failed to disclose the actuating means being pneumatic actuated means.

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Buelt discloses a steering device for a vehicle (figure 8) having a pair of freely steered wheels locked by actuated locking devices, wherein Buelt further discloses the prior art of utilizing any common means for actuating a locking device; such as hydraulic, electric or manually, but preferably actuated pneumatically (column 7).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized any common alternative means for equally actuating Bergh's actuated locking device; such as pneumatics; in place of hydraulic, electric or manually operated acting means, as suggested by Buelt's pneumatically operated actuating means.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergh '226.

Bergh; as stated above, disclosed the steering device with a pair of freely steered wheels locked by a locking device that does not release the pair of wheels again until predefined critical driving state values are undershot at least for a predefined period of time (deadband time frame), but was silent with regards to the particular amount of deadband time elapsed to lower the velocity below the minimum velocity setting value and avoid unnecessary switching; as taught by Bergh (column 8).

Bergh discloses the claimed invention except for the time range of 3 to 5 seconds. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized a deadband range of 3 to 5 seconds or any other time range amount needed to adequately avoid unnecessary switching; as suggested by Bergh deadband, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Keeler et al '194 discloses a steering device for a vehicle with a self-steering locking device and control means.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is (571)272-6655. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) - 272 - 6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

D.Y.

/Lesley D. Morris/  
Supervisory Patent Examiner, Art Unit 3611